

EXHIBIT A

Ellis, KC

From: Anderson, Josh
Sent: Thursday, September 15, 2016 11:11 AM
To: Larkin, Arthur (Law)
Cc: DiSenso, Anthony (Law); Ellis, KC; Lowenthal, Mitchell A.
Subject: Re: Tomorrow's 12pm Meet and Confer

The description in the privilege log is "Email between DOI attorney and employees regarding [REDACTED] Jane Doe 2's sexual assault allegation." With respect to any emails in the chain that do not copy a lawyer -- i.e. all of those actually logged as Priv-042, Priv-076 -- Priv-082, and Priv-084 -- the description in the log is false. We have no idea why you have designated these as attorney work product. The fact that a lawyer is copied far down the chain is not by itself enough to make the entire email chain protected by attorney work product. If you are willing to make a representation concerning why the work product privilege attaches, we will consider it.

—

Josh Anderson
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On Sep 15, 2016, at 11:02 AM, Larkin, Arthur (Law) <alarkin@law.nyc.gov> wrote:

We've given you all of the information that is required under the Federal Rules and Local Rules. If you disagree with our assertions of privilege at this point, you can take whatever additional steps your side deems appropriate.

Arthur G. Larkin
Senior Counsel
New York City Law Dept.
100 Church St., Room 3-177
New York, NY 10007
212.356.2641 (tel.)
212.356.3509 (fax)

From: Anderson, Josh [<mailto:jeanderson@cgsh.com>]
Sent: Thursday, September 15, 2016 11:00 AM
To: DiSenso, Anthony (Law)
Cc: Larkin, Arthur (Law); Ellis, KC; Lowenthal, Mitchell A.
Subject: Re: Tomorrow's 12pm Meet and Confer

Anthony,

Thank you. I confirm we will pay the cost difference for color copies.

With respect to item #3, what is the basis for asserting attorney work product with respect to those emails that do not copy an attorney?

Josh

—

Josh Anderson

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On Sep 14, 2016, at 4:38 PM, DiSenso, Anthony (Law) <adisenso@law.nyc.gov> wrote:

With regard to the matters addressed at the Sept. 9, 2016, meet and confer, please be advised:

1. None of the documents concerning Officer Viola beginning with DOCID NYCP00010959 and ending with DOCID NYCP00011020 reflect discipline or criminal charges.
2. Adam Libove is an attorney.
3. The communications identified as Priv-042, Priv-076 – Priv-082, and Priv-084 relate to a thread starting with an email from Nadene Pinnock—DOC counsel. After conducting this subsequent review, we are also making a work product privilege assertion over these documents.
4. The difference between color copying and black and white copying is 14 cents a page. I understand from the meet and confer that plaintiffs have agreed to incur this cost.

From: DiSenso, Anthony (Law)

Sent: Tuesday, September 13, 2016 8:37 PM

To: 'Anderson, Josh'; Larkin, Arthur (Law)

Cc: Ellis, KC; Lowenthal, Mitchell A.

Subject: RE: Tomorrow's 12pm Meet and Confer

Josh,

I've been investigating the questions you've posed yesterday and today. I expect that I will have a response to each of your questions before 1 pm tomorrow.

Thanks,
Anthony

From: Anderson, Josh [<mailto:jeanderson@cgsh.com>]

Sent: Tuesday, September 13, 2016 10:10 AM

To: Larkin, Arthur (Law); DiSenso, Anthony (Law)

Cc: Ellis, KC; Lowenthal, Mitchell A.

Subject: RE: Tomorrow's 12pm Meet and Confer

Anthony,

Please let us know when you anticipate reporting back on the issues raised during Friday's meet and confer.

Thank you,

Josh

Josh Anderson

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From: Anderson, Josh

Sent: Thursday, September 08, 2016 3:13 PM

To: alarkin@law.nyc.gov; adisenso@law.nyc.gov

Cc: Ellis, KC; Lowenthal, Mitchell A.

Subject: Tomorrow's 12pm Meet and Confer

Please use the following dial-in:

877-492-4010

Passcode: 212-225-2044

Josh Anderson

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EXHIBIT B

From: JENNIFER SCULCO [JSCULCO@doi.nyc.gov]
Sent: 8/5/2013 1:33:32 PM
To: JAMES CHRISTO [JCHRISTO@doi.nyc.gov]
Subject: Fwd: RE: [REDACTED] Jane Doe 2

I'm here until 10am IG meeting

>>> JAMES CHRISTO 8/5/2013 9:32 AM >>>
Let me stop by.

>>> JENNIFER SCULCO 8/5/2013 9:27 AM >>>
Ok, thanks. I'm just going to respond to Sabina that we have an open investigation, which should mean that they will not interview the inmate.

>>> JAMES CHRISTO 8/5/2013 9:26 AM >>>
No, I never received this, and yes it is 05490.

>>> JENNIFER SCULCO 8/5/2013 9:18 AM >>>
I just looked in CMS, this is 13-05490, yes?

>>> "Blaskovic, Sabina" <Sabina.Blaskovic@doc.nyc.gov> 8/1/2013 10:55 AM >>>
Jen/Rob:

I'm following up on the below, I don't think I heard back from you. I believe you guys have a case on this, but I don't know the status. Please advise.

Thanks.

-----Original Message-----

From: Blaskovic, Sabina
Sent: Tuesday, July 23, 2013 5:06 PM
To: 'JENNIFER SCULCO'; Gigante, Robert (DOI)
Cc: Finkle, Florence; Cussen, Sean
Subject: FW: [REDACTED] Jane Doe 2

Jen/Rob:

Please see attached and let me know if you want to do anything on this, or if you have anything on it.

There's no officer named Benny Santiago at RMSC; there are two Santiagos, but no Benny.

We'll do a bit of preliminary research but will wait to hear from you before speaking to the complainant.

Thanks.

-----Original Message-----

From: Pinnock, Nadene
Sent: Tuesday, July 23, 2013 4:22 PM
To: Finkle, Florence; Blaskovic, Sabina; Villafane, Eldin
Cc: Bergdall, Thomas
Subject: [REDACTED] Jane Doe 2

Good Afternoon,

Flo and Sabina please see the attached comptroller claim we received regarding former inmate [REDACTED] Jane Doe 2 who claims that she was sexually assaulted by CO Benny Santiago. I'm not sure if these allegations were ever brought to your

attention before today.

Eldin, I'm copying you so that you are aware of these allegations in case the press gets wind of this comptroller claim.

Nadene M. Pinnock
Deputy General Counsel
NYC Department of Correction
75-20 Astoria Boulevard
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(718) 278-6002 (fax)

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